



REMARKS

This amendment responds to the Office Action mailed December 15, 2004.

Accordingly, applicant respectfully submits that this response is being timely filed.

Claims 1-18 were pending. Claims 4 and 6 are hereby cancelled without prejudice. New claim 19 is hereby added. Thus, Claims 1-3, 5 and 7-19 are currently pending.

OBJECTION TO DRAWINGS

Figures 3b, 3c, 3d, 3e and 10 have been amended to show reference numbers 32 and 70. No new matter has been added. Reconsideration of this objection is respectfully requested.

CLAIM OBJECTIONS

The Office Action indicated that Claims 2, 3 and 16 contained allowable subject matter. Those claims have been amended to independent form. Reconsideration of this objection is respectfully requested.

CLAIM REJECTIONS

35 U.S.C. § 102(b) REJECTIONS

1. Claims 1 and 5 (Kanbar et al)

Claims 1 and 5 were rejected pursuant to 35 USC §102(b) as being anticipated by Kanbar et al (U.S. Pat. No. 5,289,522). In particular, the Office Action claims that Kanbar et al discloses a horizontal bitewing holder and a vertical bitewing holder. Applicants respectfully traverse.

The device disclosed by Kanbar et al is a single dental x-ray aiming device as opposed to the complete system disclosed by the present application. In particular, Claims 1 (as amended) and Claim 5 disclose a system comprising a horizontal bitewing and a vertical bitewing, respectively. *See also* Figure 10 and U.S Pat. No. 6,520,676 incorporated by reference at paragraph 23 of the present application.

Kanbar et al does not disclose film packet holders that can be used alone as horizontal and/or vertical bitewings. Instead, the holders 10 of Kanbar et al are attached to the guide rod 13 on “flat, rigid tangs 15.” Kanbar et al, Col. 4, ll. 47-50. Moreover, “these tangs are received in the hollow of bite wing 123 (sic) and serve to maintain the held film packet at right angles to the axis of the guide rod.” Kanbar et al, Col. 4, ll. 51-53. Conversely, the horizontal and vertical bitewings disclosed by the present application stand alone and operate without attachment to a guide bar. Moreover, as amended, the horizontal bitewing sensor holder has a mechanism for establishing a single use. Kanbar et al do not disclose this feature. Reconsideration of this rejection is respectfully requested.

2. **Claim 13 (Tanaka)**

The Office Action rejected Claim 13 pursuant to 35 USC §102(b) as being anticipated by Tanaka (US 5,450,465). In particular, the Office Action claims that Tanaka discloses a tab (24c) for engaging a posterior imaging bar. Office Action, p. 4. Applicants respectfully traverse.

The present application discloses a posterior sensor holder with two separate tabs (34 and 36) in Figures 3a-3d and is structurally distinct from the device disclosed by Tanaka. Tanaka discloses a dental x-ray film pack covered by two flexible sheets. *See* Tanaka, Abstract. The reference numeral 24c does not correspond to a “tab for engaging a posterior imaging bar” as required by Claim 13. Instead, 24c indicates a side “of the respective sheets 20a, 20b, said sides not being fusion-bonded.” Tanaka, Col. 6, ll. 31-32. That portion of the sheets is referred to as the “enclosing portion 21.” Tanaka, Col. 6, ll. 33-35. The enclosing portion 21 is placed within the oral cavity of the patient and is not a tab at all, let alone a tab for engaging a posterior imaging bar. *See* Tanaka, Figure 6. In fact, only the “holding portion 22” extends out of the oral cavity for the dentist to grip. *See* Tanaka, Col. 7, ll. 20-35.

Moreover, the Office Action fails to show that Tanaka discloses a sleeve base with a tab for engaging a posterior imaging bar, or a sleeve back with a gripping tab. The two sheets identified by the Office Action as the sleeve base and sleeve back are also identified by the Office Action as the gripping tab and the tab for engaging the posterior bar. Invalidity for anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Research Foundation v. Genentech Inc.*, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991).

The Office Action has not identified the distinct elements and limitations from Claim 13 as being present in Tanaka. Reconsideration of this rejection is respectfully requested.

3. Claims 14 and 15 (McAuslan)

The Office Action rejected Claims 14 and 15 pursuant to 35 USC §102(b) as being anticipated by McAuslan (4,592,084). In particular, the Office Action claims that McAuslan discloses a flexible sleeve 16. Applicants respectfully traverse.

McAuslan discloses a “slot 16” at Col. 3, line 1 of the patent. In McAuslan, the slot 16 is mentioned only one other time at Col. 4, line 8. Neither of these mentions of the slot 16 indicates that the slot is flexible. Reconsideration of this rejection is respectfully requested.

4. Claims 17 and 18 (Eppinger et al)

The Office Action rejected Claims 17 and 18 pursuant to 35 USC §102(b) as being anticipated by Eppinger et al (6,343,875). However, Claims 17 and 18 as amended disclose an anterior image sensor holder comprising, *inter alia*, a flexible sleeve. Eppinger et al does not disclose a flexible sleeve to hold a dental radiography sensor. Instead, a sensor holder 21 with “clip arms 61, 62” is employed. Eppinger et al, Col. 4, ll. 27-31. Reconsideration of this rejection is respectfully requested.

New Claim 19 discloses an anterior imaging bar with “two support arms extending from below the pressure slots to provide support to the anterior sensor



holder.” A preferred embodiment of the two support arms is best shown in Figures 6, 7a and 7b. Eppinger et al does not disclose two support arms extending from below the slots 31 and 31a. In fact, there is no structure, arms or otherwise, below slots 31 and 31a as disclosed by Eppinger et al. See Eppinger et al, Figure 1. This claim is in condition for allowance and a notice of allowance is respectfully solicited.

CONCLUSION

Applicants believe that this case is in good condition for allowance, and a Notice of Allowance is earnestly solicited. If a telephone or further personal conference would be helpful, the Examiner is invited to call the undersigned, who will cooperate in any appropriate manner to advance prosecution.

I hereby certify that the above correspondence is being deposited with the United States Postal Service “Express Mail Post Office to Addressee” service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 15, 2005.

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